

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1991 of 1982

With

CROSS OBJECTION NO. 1 OF 2002

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

and

Hon'ble MR.JUSTICE N.G.NANDI

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

LAND ACQUISITION OFFICER

Versus

HEIRS OF DHANJIBHAI KALABHAI YADAV

Appearance:

1. First Appeal No. 1991 of 1982

MR S.P. SEN, GOVERNMENT PLEADER for Petitioner No. 1

MR MC BHATT for Respondents No. 1/A-3

MR MB GANDHI for Respondent No. 4

CORAM : MR.JUSTICE B.J.SHETHNA

and

MR.JUSTICE N.G.NANDI

Date of decision: 24/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. Land Reference Case No.1 of 1977 came to be partly allowed by the Reference Court, i.e. Learned Extra Assistant Judge, Junagadh vide judgment & award dated 21-10-1981, whereby Learned Judge determined the market value of the land at the rate of Rs.4-50 per sq. meter, instead of Rs.2-00 awarded by the Land Acquisition Officer as per his award dated 24-11-1976 for the land in question, which was acquired under Notification dated 2-9-1971 issued under Section 4 of the Land Acquisition Act (for short "Act"). This has been challenged by the appellant - Land Acquisition Officer by way of aforesaid appeal which was admitted long back. On the notice of admission served upon the respondents - claimants No. 1 to 3, they had filed aforesaid Cross Objection and claimed that instead of Rs.4-50 per sq. meter they should be awarded Rs.6-00 per sq. meter.

2. From the evidence led by the parties before the Court and from the reasonings assigned by Learned Judge, we find that some of the facts are admitted by the Land Acquisition Officer as well as the acquiring body GIDC. It appears from the judgment of the Learned Judge that, considering sale instances of other lands adjoining to the land which was acquired by the appellant, Learned Judge came to the conclusion that Land Acquisition Officer has wrongly awarded Rs.2-00 per sq. meter and the claimants are entitled for Rs.4-50 per sq. meter and not Rs.6-00 per sq. meter as prayed for.

3. Considering the reasons assigned by Learned Judge for awarding Rs.4-50 per sq. meter Shri. Sen, learned AGP was hardly in a position to show that the Learned Judge has committed any error in awarding Rs.4-50 per sq. meter. Similarly Shri. M.C. Bhatt was not in a position to assail the reasoning assigned by Learned Judge awarding Rs.4-50 per sq. meter.

4. We have carefully gone through the evidence on record as well as the reasoning assigned by Learned Judge for awarding Rs.4-50 per sq. meter to the claimants of the land acquired, and we are fully satisfied that, for awarding in all Rs.4-50 per sq.meter Learned Judge has not committed any error which calls for interference by this Court.

5. However, Shri. M.B. Gandhi, learned counsel appearing for GIDC has also tried unsuccessfully to challenge the findings of the Learned Judge, but we are

not at all impressed by his arguments. As in our considered opinion, Learned Judge has passed just and reasonable award at the rate of Rs.4-50 per sq. meter.

6. Accordingly, both the appeal as well as cross objection are dismissed, with no order as to costs.

Dt: 24-1-2002

(B.J. Shethna, J)

(N.G. Nandi, J)

/vgn